



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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APR 1 - 2016

California Department of Water Resources

Attn: Lauren Bisnett, Draft GSP Emergency Regulations Public Comment

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The Bureau of Indian Affairs (BIA), as Trustee of lands held by the United States on behalf of Native American Tribes and Public Domain Allotments, provides this letter to present comments regarding the Sustainable Groundwater Management Act Draft Emergency Regulations for Groundwater Sustainability Plans and Alternatives. We congratulate the California legislature in approving the State's groundwater management laws.

These regulations are assumed to be the minimum requirements of a Groundwater Sustainability Agency (GSA). While the regulations address groundwater recharge, it does not separately address Groundwater Banking (GWB). GWB is an important groundwater management tool and should be encouraged. However, GWB is transitory and is a zero net gain over the long term and needs to be clearly separated from the recharge components (artificial and natural) of a GSA's management area water budget because GMB is a temporary storage tool.

Additionally, GWB, natural recharge, and artificial recharge can introduce quality concerns due to soil interactions during the time the water is banked. Potential impacts with quality such as chemical adsorption/desorption during GWB, etc, may occur requiring subsequent treatment, or introduction of additional constituents of emerging concern. Similarly artificial recharge can introduce salts depending upon the water source and should be addressed separately from natural recharge which would typically contain little to no salts.

The document should define "local agency", "agency" and "agencies". The emphasis is on the lower case "a" of agency. The clarity of the regulations would be greatly improved if there was a distinction between "Agency" and "agency" in the text of the regulations. BIA suggests that "Agency" be replaced with Groundwater Sustainability Agency (GSA) or the equivalent to reduce possible confusion within the regulations.

Public and Tribal notification in the process to develop, manage, and modify the GSA plan needs to be included within these regulations. The public and Tribes need to be involved before a Plan is sent to the DWR for review.

In addition to the general comment above, BIA has comments specific sections of the regulations. Please consider the following:

- 1) Section 350.2 (b) change to read the following: The Plan shall describe a process for the collection, interpretation, and reporting of sufficient reliable information to permit the Department, adjacent basins, and stakeholders to evaluate the adequacy of the Plan.
- 2) Section 350.2 (d) Add (5) Adequate description of jurisdictional boundaries within or influencing the basin.
- 3) Section 351 Add Adaptive Management to definitions.
- 4) Section 351 (j) Add Federal Reserve Rights as part of this definition.
- 5) Section 351 (n) change "target value" to "target value and timeframe".
- 6) Section 352.4 (b) Against what criteria, and how will the public and interested parties have a

- voice in the periodic evaluation of the Plan?
- 7) Section 352.6 (a) (3) Why are reference point elevations held to a higher level of variability than water datum. If subsidence is a concern, would this propagate error?
 - 8) Section 352.6 (b) (2) Needs to be described in understandable language or break into subcategories to be consistent with the rest of the document.
 - 9) Section 352.6 (e) (2) Add to the end of the sentence "The plan should include what level of precision is necessary and/or include a plan to reach that level of precision."
 - 10) Section 352.6 (f) "The Agency shall provide electronic copies of all reports and other documents and materials that are generally not available to the public" to whom? Add "upon request" after public.
 - 11) Section 352.6 (f) At the end of the paragraph, Section 355.12 is referenced but it does not exist. Should the reference be to Section 355.10?
 - 12) Section 352.8 What are the record keeping requirements and how will it be evaluated? What measurable standard or example will be used as the minimum goal for record keeping? Do the records need to maintain electronically?
 - 13) Add Section 353.6 (d) Each Agency shall notify, in writing, within 30 days of an Agency's decision to develop a Plan, those entities identified in GWSA Section 107203(c) Applicability of Part and Participation of Other Sovereigns.
 - 14) Section 354.8 (e) add interested parties
 - 15) Section 354.8 (g) Add (9) Maps of land use plan boundaries.
 - 16) Section 354.10 (b) should add "including Federal and Tribal Lands".
 - 17) Section 354.28 (b) (1) (C) should include an accounting of groundwater banking separately from Recharge.
 - 18) Section 354.34 (a) (4) add "including water banking".
 - 19) Section 354.34 (c) Salt Nutrient Management Plans mentioned twice.
 - 20) Add Section 356.4 (d) An accounting of water banking activities.
 - 21) Section 356.10 (j) change to read the following: A summary of coordination that occurred between Agencies in a single basin and Agencies in hydrologically connected basins, tribes, and land use agencies where applicable.
 - 22) Section 356.12 Amendments and Modifications to Plan needs to include notification of the public of proposed changes by the GSA prior to submitting to the State for review.
 - 23) Section 357 These should refer to capital "A" Agencies rather than "agencies".

BIA is interested in reviewing the changes made to these regulations based on all the comments received before they are adopted. An additional public review would be appreciated.

Should you have any questions, please contact Chuck Jachens, Regional Water Program Coordinator, at (916) 978-6049.

Sincerely,



Regional Director